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**FILED/ACCEPTED**

**APR - 2 2008**

Federal Communications Commission  
Office of the Secretary

April 2, 2008

By Hand Delivery

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: CC 01-92; Petition for Interim Order filed January 22, 2008 By NECA

Dear Ms. Dortch:

The American Public Communications Council ("APCC") files this letter in response to the Petition for Interim Order on call signaling requirements filed January 22, 2008 by the National Exchange Carrier Association ("NECA"). APCC is the national trade association representing the independent payphone service provider ("PSP") industry. APCC supports the relief sought by NECA, and is writing to emphasize an additional reason why the Commission should act.

APCC's interest in this proceeding stems from the inter-relationship between the issues being considered in this docket and the payphone dial-around compensation regime implemented by the FCC in order to meet the mandate of Section 276 of the Act, 47 U.S.C. § 276. Congress adopted Section 276 to ensure the "widespread deployment of payphone services." 47 U.S.C. § 276(b)(1). As the Commission has recognized, payphones play a critical role in the nation's communications infrastructure. In addition to providing access to the public network for low-income consumers, payphones also are a critical part of the nation's emergency response system. That function is particularly important during major crises, such as 9-11 and Katrina, when payphones are often the only functioning form of communication.

In order to ensure the "widespread deployment" of payphones, Section 276 requires the Commission to ensure that PSPs are compensated for the use of their payphones for "each and every completed call." The FCC adopted its dial-around compensation rules to meet that mandate with respect to toll-free subscriber and access code calls, where the caller does not pay the PSP for the use of the payphone. Under the dial-around compensation rules, a carrier that completes a call from a payphone must pay the PSP that owns the payphone a \$.494 fee. As the Commission has recognized, in this era of increasingly ubiquitous wireless subscribership and declining coin calling, the dial-around compensation revenue stream is critical to PSPs, and their ability to continue to make their phones available to the calling public.

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In order to ensure that completing carriers can identify payphone-originated calls so that they can fulfill their dial-around compensation obligation, the Commission has adopted rules requiring carriers to identify calls originating from payphones. The rules require (1) originating LECs to transmit along with the call payphone-specific ANI II digits that tell the receiving carrier that the call has originated from a payphone and (2) all other carriers in the call path to pass those ANI II digits to subsequent carriers so they also will know that the call originated from a payphone.

The call signaling requirements set out in Sections V.A – C of the Missoula Plan echo and reinforce the ANI II transmission requirements. Section V.A.2.a. of the Plan requires all originating providers to transmit the ANI II digits regardless of whether SS7 signaling is used (in which case it is inherent in the protocol) or MF signaling is used (in which case the Plan imposes a specific requirement that originating providers “must also transmit ANI II information,” Plan § V.A.1.2.a.iii). Section V.A.2.b. then imposes on intermediate providers the obligation to “transmit without alteration” the ANI II digits they receive from the originating provider or another intermediate provider. As the plan recognizes, this will ensure that all providers receive “the signaling information necessary for identification of calls and creation of proper billing records,” Plan § V.A.2.b. It also furthers the goals of Section 276 of the Act.

The Plan’s call signaling requirements also make clear that all service providers involved in a call that touches the PSTN are bound by the requirements, including the ANI II transmission requirements, regardless of whether they are telecommunications carriers.<sup>1</sup> This is important from the perspective of the Commission’s dial-around compensation rules because not all VoIP providers have recognized their existing obligation to transmit call signaling information that includes the ANI II digits. By affirming that requirement in this docket, the Commission will not only advance the goals of this proceeding, but will also ensure that the dial-around compensation regime continues to support the Commission’s mandate under Section 276 to ensure the widespread deployment of payphones.

Moreover, for all the reasons set out in NECA’s Petition, the Commission need not and should not wait to act on the Missoula Plan before taking action with respect to call signaling. Rather, it should act expeditiously to, as NECA requests, issue an interim order “directing all carriers and interconnected voice service providers originating, transiting, or terminating voice traffic on the PSTN to provide and transmit accurate call signaling data for all traffic, regardless of jurisdiction and without regard to technology used to originate or transmit the call.” Petition at 19. APCC further agrees with NECA that the order should, as the Plan contemplates, require every provider in the call path to include the ANI II digits in the call signaling information that must be transmitted along with the call. Petition at 9.

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<sup>1</sup> Section V.A.1. of the Plan states that the “Plan’s call signaling rules apply to all traffic originating on the PSTN, transiting the PSTN, or destined for the PSTN from other networks.” And Section V.A.2. makes clear that the “Plan requires *every* communications service provider to transmit accurate telephone number signaling information for use by intermediate and terminating providers.”

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Providing the relief requested by NECA will advance compliance not only with the intercarrier compensation regimes but also with the Commission's dial-around compensation regime. APCC urges the Commission to act expeditiously to issue an interim order in this proceeding along the lines requested by NECA.

Sincerely,

A handwritten signature in black ink, appearing to read "A. H. Kramer", is written over a horizontal line.

Albert H. Kramer

Jacob S. Farber

*Counsel for American Public Communications Council*